

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Perlich et al.

Group Art Unit: To be assigned

Serial No.: To be assigned

Examiner: To be assigned

Filed: November 28, 2001

Docket No.: 271602-1010

F. r. METHODS, APPARATUS, AND COMPOSITIONS FOR CONTROLLING ORGANISMS IN BALLAST WATER

INFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- ☒ under 37 CFR 1.97(b), or  
(within Three months of filing national application; or date of entry of international application; or before  
mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:  
☐ Statement Under 37 C.F.R. 1.97(e), or  
☐ a \$180.00 fee under 37 CFR 1.17(p), or  
 (After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever  
occurs first)
- ☐ under 37 CFR 1.97(d) together with a:  
☐ Statement under 37 CFR 1.97(e), and  
☐ a \$180.00 petition fee set forth in 37 CFR 1.17(p).  
 (Filed after final office action or notice of allowance, whichever occurs first, but before payment of the  
issue fee)

Enclosed is a check in the amount of \$\_\_\_\_\_. Please charge \$\_\_\_\_\_ to deposit account \_\_\_\_\_. At any time during the  
pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The  
Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

- ☒ Applicant(s) submit herewith *Form PTO 1449 - Information Disclosure Citation* together with copies of  
patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not  
be material to the examination of this application and for which there may be a duty to disclose in accordance with 37  
CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.

- ☐ A concise explanation of the relevance of foreign language patents, foreign language publications and  
other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in  
37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent  
is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English  
language version of the search report or action which indicates the degree of relevance found by the foreign office is listed  
on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention  
over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents  
may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport  
to offer.

This statement should be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

THOMAS, KAYDEN, HORSTEMPER  
& RISLEY, LLP

By:

  
Robert E. Stachler, II, Reg. No. 36,934

100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339-5948  
770-933-9500

**EXPRESS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner of Patents and Trademarks, Box: Patent Application, Washington, D.C. 20231, on November 28, 2001. Express Mail No. EL 492175182 US

  
Signature Jo Bryan

Form PTO-1449

**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*Attorney Docket No.  
**271602-1010**Serial No.  
**To be assigned**Applicant  
**Perlich, et al.**Filing Date  
**November 28, 2001**Group  
**To be assigned****U.S. PATENT DOCUMENTS**

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
					424	661	10/1/90
	A	5,141,754	8/25/92	Ekis, Jr. et al.	210	747	2/16/93
	B	5,256,310	10/26/93	Brooks	514	557	7/8/93
	C	5,393,781	2/28/95	Vegega et al.	424	661	9/16/93
	D	5,417,987	5/23/95	Dietz et al.	514	75	10/31/94
	E	5,468,739	11/21/95	Whitekettle et al.	514	557	6/15/94
	F	5,550,157	8/27/96	Vegega et al.	514	640	7/14/97
	G	5,874,476	2/23/99	Hsu et al.	210	755	7/18/97
	H	5,900,157	5/4/99	Petrille et al.	137	3	5/5/97
	I	5,979,478	11/9/99	Screptock et al.	210	754	4/29/97
	J	6,106,730	8/22/00	Freymark et al.	514	557	12/6/99
	K	6,84,793	9/4/01	Fuchs et al.			

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	L	PCT/US97/02157	2/21/97	PCT	C01B	11/02	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:

DATE CONSIDERED:

Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Perlich et al.

Group Art Unit: To be assigned

Serial No.: 09/996,135

Examiner: To be assigned

Filed: November 28, 2001

Docket No.: 271602-1010

For: METHODS, APPARATUS, AND COMPOSITIONS FOR CONTROLLING ORGANISMS IN BALLAST WATER

INFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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☐ a \$180.00 petition fee set forth in 37 CFR 1.17(p).  
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patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not  
be material to the examination of this application and for which there may be a duty to disclose in accordance with 37  
CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.

- ☐ A concise explanation of the relevance of foreign language patents, foreign language publications and  
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37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent  
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may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport  
to offer.

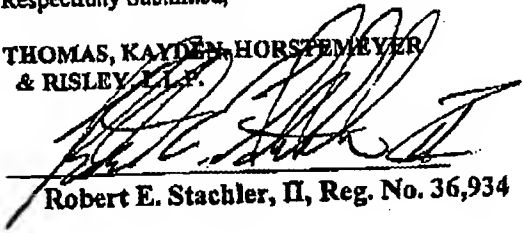
This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

THOMAS, KAYDEN HORSTEMEYER  
& RISLEY, LLP.

By:

  
Robert E. Stachler, II, Reg. No. 36,934

100 Galleria Parkway, Suite 1750  
Atlanta, Georgia 30339-5948  
770-933-9500

**CERTIFIED MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail," in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on March 5, 2002.

  
Signature of J. Bryan



Postcard receipt: Please apply mail room stamp and return to:  
SMITH, GAMBRELL & RUSSELL, L.L.P.



Attorney Dkt No. : 34006,002  
Applicant : Thomas Perlich  
Serial No.: 09/996,135  
Filed : November 28, 2001  
For : METHODS, APPARATUS AND COMPOSITIONS  
FOR CONTROLLING ORGANISMS IN BALLAST WATER

Information Disclosure Statement, PTO Form 1449 and cited references

RES/kms

February 7, 2003

**PATENT**Atty. Dkt No.  
34006.002**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Thomas Perlich

Serial No.: 09/996,135

Group Art Unit: 1724

Filed : November 28, 2001

Examiner: To Be Assigned

For : METHODS, APPARATUS, AND COMPOSITIONS FOR  
CONTROLLING ORGANISMS IN BALLAST WATER**INFORMATION DISCLOSURE STATEMENT**Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. 1.56, Applicant is enclosing an Information Disclosure Citation Form (PTO-1449) which lists the references cited in the International Search Report issued for corresponding International Appin. No. PCT/US01/44370 mailed November 15, 2002.

Applicant certifies under 37 C.F.R. 1.97(e)(1) that all documents submitted herewith were first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. Therefore, it is respectfully urged that no fees are required for the Examiner's consideration of the documents listed in this Information Disclosure Statement.

It is respectfully requested that the cited documents be considered by the Examiner in the above-identified patent application and that the cited documents be made officially of record therein. It is further requested that a listing of the same appear on the face of any patent which may issue from this application.

Respectfully submitted,

SMITH, GAMBRELL &amp; RUSSELL, LLP

By: 

Robert E. Stachler, II, Reg. No. 36,934  
1850 M Street, NW, Suite 800  
Washington, D.C. 20036  
Telephone: (202) 263-4300

Date: February 7, 2003



FORM PTO-1449  INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET 34006.002	SERIAL NO. 09/996,135
	APPLICANT: Thomas Parlich	
	FILING DATE November 28, 2001	GROUP ART UNIT To Be Assigned

## U.S. PATENT DOCUMENTS

*Examiner's Initials		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE, IF APPROPRIATE
	AA	6,106,730	8/22/00	Freymark, et al.	210	754	
	AB	5,547,584	8/20/96	Capehart	210	669	
	AC	4,414,193	11/8/83	Fredette et al.	423	478	
	AD						
	AE						
	AF						
	AG						

## FOREIGN PATENT DOCUMENTS

*Examiner's Initials		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO	
	AH	7-277703	10/24/95	Japan			Abstract	
	AI	GB 2 249 306	5/6/92	Great Britain				
	AJ							
	AK							
	AL							
	AM							
	AN							

## OTHER INFORMATION (Including Author, Title, Date, Pertinent Pages, Etc.)

AO	Boylston J. "Ballast Water Management for the Control of Nonindigenous Species", Vol. 104, 1996, pp. 391-417
AP	Oermcke D., "The Treatment of Ships' Ballast Water", Ecoports Monograph. Series No. 18, March 1999, pp. 1-92
EXAMINER:	
DATE CONSIDERED:	
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	